

4/2/01

DECISION NOTICE: **DARBY BRIDGE FISHING ACCESS SITE**

Montana Fish, Wildlife and Parks
3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500

DESCRIPTION OF PROPOSED PROJECT

The proposed project is to purchase and develop a small tract of land (3.75 acres) for a fishing access site (FAS) located directly off the southwest corner of the old Darby Bridge which is southeast of Darby, Mt. This parcel of land will provide angler access to the Bitterroot River. It will be developed to provide safe parking and easy access to the river. Public access to the property will be made directly from Water Street to Harpers Bridge Lane to the property proposed for acquisition. The land would be purchased from the Griffin family for the amount of \$40,000.

The upper Bitterroot River supports the highest fishing pressure per mile in western Montana. This proposed site is located 5 miles upstream from Wally Crawford FAS and 4 miles downstream from Hannon Memorial FAS. This site is strategically located to provide ½ day floats for anglers in either direction of the river. The Darby Bridge area has been historically used by the public for many years.

The initial proposed facilities included a gravel entrance road & parking area, cul-de-sac, boat ramp, pre-cast concrete latrine, fencing, signing, and vegetative screening along the latrine and parking area. After receiving comments through the EA process, FWP has changed some of the proposal in order to mitigate some of those concerns raised from the public (ie. latrine, dust from road). Under the comment section of this document the mitigative measures are identified.

PUBLIC PROCESS AND COMMENT

The public comment period began September 20, 2000, and ran through December 8, 2000. A public meeting was also held on November 30th at the Darby Community Clubhouse. Legal notices were published in the Ravalli Republic, Missoulian, and Helena Independent Record. Over 70 post cards were sent directly to interested parties consisting of neighbors, conservation groups, legislators, county, and state departments. Also, there was a press release and a posting on the Montana State's electronic bulletin board.

Substantial public comment was received throughout the process. Before the public meeting, 18 (8 for, 10 against) written and approximately 20 phone comments were received. During the public meeting 22 (12 for, 10 against) stood up and gave verbal testimony. After the public meeting 50 (47 for, 3 against) written comments were received.

Ravalli

The issues raised by those **opposed to the project** have been categorized into the following statements. Responses and/or mitigation follow each statement. These are **not** listed in any sort of priority.

- 1). Harpers Bridge Lane is a private road and FWP would not have legal access.

Response: Harpers Bridge Lane, also known as Harper Lane, does provide legal access to the property proposed for acquisition by the department. Access to the property is plainly shown as "Harper Lane" on Certificate of Survey #3946 referenced in the deed that conveyed the property to Wendell and Rosemary Griffin. That deed was filed in Book 183 at Page 505 in the official records of Ravalli County.

The title company made no exception for lack of access to the property in the preliminary title commitment issued for the proposed transaction (First Montana Title Company #RAV-32904). In a letter dated August 8, 1999, Ken Kanenwisher of First Montana Title Company of Hamilton assured FWP that property proposed for purchase had legal access from the roadway as shown on Certificate of Survey #3946.

- 2). Agricultural Covenant that was revoked from the Griffin property.

Response: At one time the Wendell and Rosemary Griffin property proposed for acquisition by FWP was subject to an agricultural use restriction (Declaration of Covenant filed in Book 177 at Page 40; Certificate of Survey #3946). That agricultural use restriction was revoked by mutual agreement between the Ravalli County Commissioners and the property owners, Wendell and Rosemary Griffin. The Ravalli County Commissioners advertised a public hearing regarding the proposed revocation, and took action to revoke the agricultural covenant at an open public meeting on August 7, 2000. A Revocation of Agricultural Covenant was recorded in the official records of Ravalli County.

- 3). Wetlands affected by the project.

Response: The U.S. Army Corps of Engineers has jurisdiction over wetland delineation and project permitting. They have reviewed the project on site and saw no serious wetland issues. MFWP will apply for a '404' permit for the project. We will abide by the conditions of that permit. An additional permit is necessary from MFWP for installing the boat ramp.

- 4). Septic leakage from proposed latrine and floodplain impacts caused by the development.

Response: We have reviewed the project with the Ravalli County sanitarians office. They will not permit FWP for the installation of a permanent latrine. FWP will apply for a floodplain permit and abide by the conditions of that permit.

Mitigation: FWP would manage the site initially without providing latrine services. If it became apparent that a problem was developing, FWP would be prepared to provide a porta-pottie type facility. The sanitarians office suggested

that this type of facility would be all right provided we avoided using them during the run-off period. To avoid floodplain impacts, FWP would construct the road and parking system within current land elevations.

5). Increased traffic to the site.

Response: The site has been used for many years by recreationists to access the river. River use has been increasing. Presently, recreationists park along the road on the west side of the bridge after launching boats. This leads to an unsafe situation at the bridge. The project will likely cause an increase in traffic. However, the project would provide additional and safe parking.

Mitigation: FWP would not install directional signs along Hwy 93 as originally considered. This would help to reduce the potential for picking up a lot of travelling public not aware of this access point.

6). Existing traffic causing too much dust to the residents and a safety problem to the children playing in the area.

Mitigation: FWP is very concerned about this problem and is prepared to work with the neighbors, the Harpers Bitterroot Bridge and Roadway Association, the city, or county in addressing this problem. Alternatives may include dust abatement products applied to the road surface or hard surfacing (with speed bumps) the existing road. FWP is prepared to pay their appropriate share of road development and/or road maintenance.

7). Loss of visual aesthetics to the residents.

Response: If the site is purchased and developed, it will change the view. A conceptual development plan is available. FWP recognizes that some residents do not want to see latrines and roads when they look in this direction.

Mitigation: As mentioned under #4, FWP would not be installing a permanent latrine as initially proposed. We will do what we can to make the site as visually appealing as possible, including shrub and tree plantings to hide as much development as possible.

8). Partying, overnight camping, and criminal activities originating from the public using the site.

Mitigation: FWP would manage this FAS as a day-use-only site. A gate would be installed at the entrance to the site that could be closed and locked if deemed necessary at the appropriate time. This would prevent any nighttime activities from occurring. We discussed the potential for Ravalli County to patrol this area and it appears they could do that when they are in the area. FWP is also prepared to install a chain-link type fence above the flood plain on the south and west boundaries that will serve as a deterrent for people to just wonder out onto private property. Other types of fencing will be utilized when in the flood plain.

9). Fishing pressure and guided trips already high.

Response: Fishing pressure has increased significantly throughout most of Montana. The Bitterroot River is no exception. Our figures indicate that the upper Bitterroot has experienced about a doubling in fishing pressure in the past 10 years. The most recent detailed creel census was in 1992-93, at which time about 1/10 of all anglers and 1/3 of floating anglers were guided. All anglers whether resident or non-resident purchase a fishing license and contribute to fisheries management and fishing access purchases in Montana.

It is hard to know what effect a public fishing access will have on overall angling pressure. This site has been used for many years by anglers and most likely if this site is not available, they will go to another site. This site serves to spread out the use along the river.

10). Too many existing access sites in this area.

Response: In this area there are several fishing access sites:

1. FWP manages 3 separate parcels about 4 miles upriver near the US Hwy 93 crossing. They lie within a few hundred yards of each other. They are suitable for wading and floating anglers to put in and take out.
2. Anglers also park along Hwy 93 about 2.5 miles north of Darby Bridge. They put boats in the river by parking and crossing Hwy 93 and railroad right-of-way. This is not a recognized fishing access and we do not encourage people to use it due to safety issues.
3. FWP manages Wally Crawford Fishing Access Site between 5 and 6 miles downstream.
4. Ravalli County manages a walk in site about 2 ½ miles north of Wally Crawford FAS.

The greatest value for the Darby Bridge site is for wading anglers who fish near the bridge and for putting in and taking out boats. Without this site, a boat putting in at Hannon Memorial FAS would have to float between 9 and 10 miles to the Wally Crawford FAS to take out and wading anglers would lose the available access at this site.

We looked into purchasing a parcel of land on the south end of the old Darby dump that would provide river access. The owner of the property was not willing to sell the land, but was willing to consider a lease. This site has some negative issues such as, it is part of the old dump (concerns over hazardous waste), it is on an outside bend of the river and there is a large diversion structure adjacent to the property.

11). Costs to the public.

11). Costs to the public.

Response: The fees for purchasing and maintaining fishing access sites are generated by the sale of fishing licenses. The agreed to price of this property is \$40,000 and annual maintenance is estimated at about \$1,500 plus any additional costs associated with agreements on road development and/or maintenance.

The issues raised by those **supporting the project** have been categorized into the following statements. Responses and/or mitigation follow each statement. These are **not** listed in any sort of priority.

1). Public river access very important for Montanans, can't afford to lose anymore.

Response: FWP programs fund & support acquisition, development and maintenance of fishing access sites. FWP is also very concerned about public access to our rivers.

2). Need for more public access points to the Bitterroot River, the Darby Bridge site is critical.

Response: FWP has actively pursued sites on the Bitterroot River. Darby Bridge was a site we tried to acquire in the past.

3). Economic development to the community of Darby and the Bitterroot Valley.

Response: FWP fishing access sites serve the public by providing safe access to our rivers. These sites add to the public welfare in a positive way.

4). Livelihood for commercial outfitters & guides.

Response: FWP fishing access sites serve a critical role to the fishing outfitters of Montana. These sites often times provide the only access to sections of key Montana rivers.

5). River recreation is vital to life in the Bitterroot Valley. Proposed site provides good half-day floats which helps to spread the use out.

Response: The proposed site does serve as a critical halfway point between the Hannon Memorial FAS and the Wally Crawford FAS, thus providing that half day float opportunity.

6). Development will provide safe effective access to the river since the current site causes congestion and is difficult and unsafe to use.

Response: The proposal with mitigative measures will provide a much safer access to the river than what currently exists. The proposed development will provide for safe parking and access to the river.

DECISION

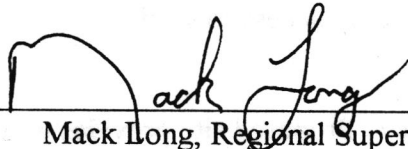
Based on the analysis in the Environmental Assessment (EA) and the applicable laws, regulations and policies, I have determined that this action will not have a significant effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared.

It is my decision to implement the proposed action with the identified mitigative measures and proceed with the acquisition and development of this site.

By notification of this Decision Notice, the draft EA is hereby made the final EA with the mitigation mentioned in this Decision Notice. The final EA with Decision Notice may be viewed at or obtained from Montana Fish, Wildlife & Parks at the above address.

This project is subject to appeal, which must be submitted to the FWP Director in writing, and postmarked within 30 days of the date on this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the department or participated in the decision-making process, and lay out how FWP might address the concerns in the appeal.

Please direct any further requests or questions to Mack Long, Region Two Supervisor, or Lee Bastian, Region Two Park Manager.



Mack Long, Regional Supervisor

1/8/01

Date: